

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

|                                |   |                          |
|--------------------------------|---|--------------------------|
| TIMOTHY DOCKERY,               | ) |                          |
|                                | ) |                          |
| Plaintiff,                     | ) | Civil Action No. 09-732  |
|                                | ) |                          |
| v.                             | ) | Judge McVerry            |
|                                | ) | Magistrate Judge Bissoon |
| JEFFREY BEARD, <i>et al.</i> , | ) |                          |
|                                | ) |                          |
| Defendants.                    | ) |                          |

**MEMORANDUM ORDER**

Timothy Dockery (“Plaintiff”) currently is a state inmate incarcerated at the State Correctional Institution at Frackville, Pennsylvania (“SCI-Frackville”). Plaintiff brings this suit pursuant to the Civil Rights Act of 1871, 42 U.S.C § 1983, *et seq.*, against numerous named Defendants. (Doc. 5). Plaintiff filed an amended complaint on August 19, 2009, that incorporates the allegations in the initial complaint. (Doc. 17) This civil action commenced with the receipt of the initial complaint on June 8, 2009. (Doc. 1-2). Plaintiff was granted leave to proceed *in forma pauperis* (“IFP”) on June 9, 2009. This case was referred to United States Magistrate Judge Cathy Bissoon for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules for Magistrates.

On August 25, 2011, the magistrate judge issued a report and recommendation (Doc. 126), recommending that Defendant Myers’s motion for summary judgment (Doc. 113) be granted. She further recommended that Plaintiff’s claims against Defendant Williams be dismissed for failure to prosecute. Finally, it was recommended that Defendant Lieutenant Vojacek be dismissed, *sua sponte*, pursuant to 28 U.S.C. § 1915(e)(2)(B). A copy of the report

was mailed to Plaintiff at his address of record, and the parties were allowed until September 8, 2011, to file objections. As of the date of this writing, no objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the report and recommendation (Doc. 126), the following ORDER is entered:

AND NOW, this 27th day of September, 2011,

IT IS HEREBY ORDERED that Defendant Myers's motion for summary judgment (Doc. 113) is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's claims against Defendant Williams are DISMISSED, with prejudice.

IT IS FURTHER ORDERED that Plaintiff's claims against Defendant Lieutenant Vojacek are DISMISSED, *sua sponte*, with prejudice.

IT IS FURTHER ORDERED that the report and recommendation of Magistrate Judge Bissoon (Doc. 126), is adopted as the opinion of this Court.

BY THE COURT:

s/Terrence F. McVerry  
UNITED STATES DISTRICT JUDGE

cc:  
**TIMOTHY DOCKERY**  
BK-8487  
SCI Frackville  
1111 Altamont Blvd.  
Frackville, PA 17931

counsel of record